

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SEP 14 P 2:52

EDWARDS & ANGELL, LLP,
Plaintiff,

Vs.

HISTATEK, LLC and
HISTATEK, INC.,
Defendants.

Civil Action No. 04-11632-DPW

REQUEST FOR DEFAULT JUDGMENT PURSUANT TO RULE 55(b)(1)

TO THE CLERK OF THE ABOVE-NAMED COURT:

Pursuant to the provisions of Rule 55(b)(1) of the Federal Rules of Civil Procedure, the undersigned, Mark David Modest, requests that a default judgment be entered against the Defendant, Histatek, Inc., in accordance with Counts I, II and III of the Plaintiff's Complaint in the amount of **\$359,584.25**, together with legal interest thereon and costs, and make affidavit that:

1. The total amount of damages due to the Plaintiff, Edwards & Angell, LLP, from the Defendant, Histatek, Inc., pursuant to Counts I, II and III of the Plaintiff's Complaint, exclusive of interest and costs, is **\$359,584.25**.

2. The Defendant, Histatek, Inc., is not an infant or incompetent person.

3. The Defendant, Histatek, Inc., is not in the military service of the United States or its Allies, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, but is at present, a corporation duly organized and existing under and by virtue of the laws of the State of Delaware, having its principal place of business at 4645 East Cotton Center Boulevard, Phoenix, Arizona.

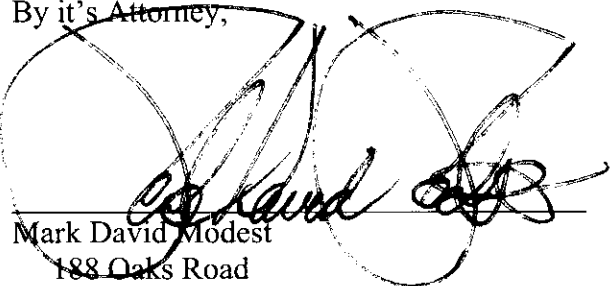
Subscribed this 13th day of September, 2004, under the penalties of perjury.

PLAINTIFF'S EXECUTION REQUESTED (PLEASE MAIL).

Dated: September 13, 2004

EDWARDS & ANGELL, LLP

By it's Attorney,

A handwritten signature in black ink, appearing to read 'Mark David Modest', is written over a horizontal line. The signature is stylized and cursive.

Mark David Modest
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